

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1245-02
Bill No.: HB 584
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies.
Type: Original
Date: April 22, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
GREAT Fund *	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

* Income, expenses and disbursements net to zero.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$79,710 TO \$159,220	\$95,530 TO \$191,060	\$95,530 TO \$191,060

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Treasurer** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Public Safety (DPS)** assume the need for two FTE as a result of this proposal. DPS assumes the need for one Program Manager (at \$44,448 annually) who would be responsible for the general administration of this program and employees under the program. DPS also assumes the need for one Clerk Typist III (at \$23,184 annually) to administer clerical support for the administration of the program. Including fringe benefits and expense and equipment, DPS assumes a total cost of roughly \$110,000 per year.

Officials from the **Department of Elementary and Secondary Education (DESE)** state the proposal would require their agency to work in conjunction with DPS to develop a "Gang Resistance Education and Training Program" (GREAT) for school districts which DESE determines are in need of such programs. The impact on DESE would be minimal as the curriculum, federal funding for law

ASSUMPTION (continued)

enforcement agencies, guidelines, and agreements with school districts have already been established by the federal government. DESE assumes DPS will provide costs related to training.

In addition, the proposal would require DESE to develop the "Show Me Students With Character Initiative" program to promote character education in public schools. The impact on DESE would be minimal since this program is nearly identical to the current Characterplus program. However, there would likely be costs to school districts to implement statewide and the state would likely cover those costs. The FY '02 appropriation for Characterplus was \$995,000.

It should be noted that the proposal would also create a \$10 surcharge to be assessed as costs in each court proceeding filed in any court in the state in all felony criminal cases involving chapters 195, 565, 566, 569, 570, and 571, RSMo. Fifty percent of these funds shall be used to promote the GREAT program and an amount of up to fifty percent shall be used to promote the "Show Me Students With Character Initiative Program." We assume the \$10 surcharge could create funding sufficient to cover any costs associated with implementing both programs; however, DESE defers to the Office of State Courts Administrator regarding the potential quantity of funding.

Officials from the **Office of the State Courts Administrator (CTS)** estimates, based on FY 2002 data, that this surcharge would apply to 19,350 circuit-level felony cases, and 4,532 associate circuit felony preliminary cases, for a total of 23,882 cases. Based on an average collection rate of 80 percent, the surcharge could provide about \$191,060 ($23,882 \times \$10 \times 80\%$) per year.

Oversight assumes 10 months of surcharge collections in FY 2004.

Oversight reviewed the annual reports from the Office of the State Courts Administrator, which reported that in fiscal year 2002, 33,521 felony criminal cases were disposed (30,405 in FY 2001 and 30,405 in FY 2000). CTS stated the discrepancy between the estimates could be the number of indigent defendants whom are defended by the State Public Defender and for whom the state of Missouri is paying the court costs (which would not contribute to the GREAT Fund).

Oversight assumes the proposal mandates that fifty percent of the funds received annually by the GREAT fund shall be distributed to the GREAT program. Oversight assumes this refers to proceeds before DPS and DESE expenses are taken into account. Oversight has ranged the cost to DPS to administer these programs from \$0 to up to half of the proceeds coming into the

GREAT Fund, since the remaining 50 percent of the proceeds are lower than the costs anticipated to be incurred by DPS.

ASSUMPTION (continued)

Oversight assumes DPS could utilize certain existing programs and personnel to implement this legislation which would result in costs lower than DPS reflected in their estimate. Oversight also assumes an appropriation of more than the proceeds of the \$10 surcharge would not be authorized from the General Assembly.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GREAT FUND			
<u>Income</u> - \$10 surcharge on certain felony criminal cases	\$159,220	\$191,060	\$191,060
<u>Costs</u> - Department of Public Safety Implementation of program	(\$Up to \$79,610)	(Up to \$95,530)	(Up to \$95,530)
<u>Disbursement</u> - 50 percent of the funds to local law enforcement and local public school districts for the GREAT program	(\$79,610)	(\$95,530)	(\$95,530)
<u>Disbursement</u> - Up to 50 percent of the funds to local school districts to implement the show-me students with character initiative program	(\$Up to \$79,610)	(Up to \$95,530)	(Up to \$95,530)
ESTIMATED NET EFFECT TO THE GREAT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2004
 (10 Mo.)

FY 2005

FY 2006

**LOCAL LAW ENFORCEMENT AND
 LOCAL PUBLIC SCHOOL
 DISTRICTS**

Receipts - 50 percent of receipts of the
 state's GREAT fund for gang resistance
 education and training program

\$79,610

\$95,530

\$95,530

Receipts - Up to 50 percent of receipts of
 the state's GREAT fund for the Show Me
 Students with Character Initiative.

\$Up to \$79,610

Up to \$95,530

Up to \$95,530

**ESTIMATED NET EFFECT TO
 LOCAL LAW ENFORCEMENT AND
 LOCAL PUBLIC SCHOOL
 DISTRICTS**

**\$79,710 TO
\$159,220**

**\$95,530 TO
\$191,060**

**\$95,530 TO
\$191,060**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal imposes a \$10 surcharge on all felony court proceedings involving drugs (Chapter 195, RSMo), offenses against the person (Chapter 565), sexual offenses (Chapter 566), robbery, burglary, arson (Chapter 569), stealing (Chapter 570), and weapons (Chapter 571), except when charges are dismissed or when costs are to be paid by the state or political subdivision. The surcharge will be deposited in the Gang Resistance Education and Training (GREAT) Fund, to be administered by the Department of Public Safety. The department will develop a program with the Department of Elementary and Secondary Education (DESE) for gang resistance training in school districts which

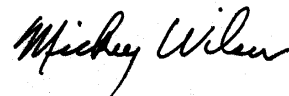
DESCRIPTION (continued)

DESE determines need these programs. The program will, among other things, help children understand how gang violence affects communities and how to resolve conflicts without violence. Fifty percent of the moneys in the GREAT Fund may be used for another program which DESE is charged with creating. The Show Me Students with Character Initiative will teach traits such as honesty, self-respect, and citizenship. The provisions of the proposal terminate on December 31, 2008.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Courts Administrator
Office of the State Treasurer
Department of Elementary and Secondary Education



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